

COLCHESTER BOROUGH COUNCIL

LICENSING SUB-COMMITTEE

22 December 2015

MINUTES OF PROCEEDINGS

At a meeting of the Licensing Sub-Committee held on 22 December 2015 at 10.00am in the Council Chamber, Colchester Borough Council, Town Hall, High Street, Colchester

Present: - Councillor Cope
Councillor Harris for Councillor Lilley
Councillor Martin

1. Membership

RESOLVED that Councillor Cope be appointed Chairman.

2. Declarations of Interest

There were no declarations of interest.

3. Minutes

RESOLVED that the minutes of the meetings held on 10 September and 16 October 2015 were approved as a correct record.

4. Licensing Application

The Head of Professional Services submitted a report in respect of the following application which had been made in accordance with the provisions of the Licensing Act 2003, for a new premises licence for -

- The Waiting Room, Old Bus Station, Queen's Street, Colchester

In Attendance

Mr M De'ath, applicant

Mr J Ruder, Licensing, Food Safety Manager

Mrs S White, Licensing & Committee Co-Ordinator

Mr Ruder outlined the application and informed the Sub-Committee that one objection had been received in respect of the application from a local resident living within the vicinity of the premises. A representation had been received from Environmental Protection but this had been withdrawn following a reduction in the hours sought and the applicant's agreement to a number of conditions. A letter in support of the application had been received from Councillor Hayes, one of the Ward Councillors for the area.

Mr De'ath, in presenting the application, explained that The Waiting Room was a not for profit community led project set up to celebrate and support the development of local

creative talent. The premises offered workshop facilities, a social space, and a performance venue. The project had taken a rundown building and brought new life to it and the area. It had been operating for the past two years with TENS in addition to providing events that did not require a licence. Following the receipt of the representation opposing the application a number of changes had been made and a licence was now only sought for licensable activities and the sale of alcohol on Friday and Saturday nights. Mr De'ath highlighted that the licence was required on these nights in order to raise funds to ensure the continued operation of the project. The additional hours were sought in order to compete with commercial venues in the town and it was hoped that by extending the hours they would keep people at the premises longer and thereby reduce disturbance from people migrating between premises. He considered that it would make a positive contribution to the town centre providing a different type of venue and one not modelled on high volume vertical drinking which would support the licensing objectives.

In response to questions from the Sub-Committee Mr De'ath informed the Sub-Committee that they had taken advice from the Arts Centre in relation to keeping the noise levels down. They had monitored the ambient noise level in the area at night and found that it was quite high but they would continue to monitor noise levels and make any adjustments required.

The Sub-Committee considered the representation made by a local resident and their proximity to The Waiting Room. It was noted that the resident concerned did not appear to have made any noise complaints to Environmental Protection during the period in which the premises had been operating.

Councillor Hayes addressed the Sub-Committee in support of the application and explained that she had helped to seed fund the project with her locality budget. The sale of alcohol and provision of entertainment was an essential part of the project's operation and helped to fund the other activities. It was a creative and positive venue which engaged with potentially problematic groups of individuals.

RESOLVED -

- To permit the sale of alcohol on and off the premises, the provision of films and anything of a similar description to live and recorded music and performance of dance as follows –
 - Mondays to Thursdays from 09.00 to 23.00
 - Fridays and Saturdays from 09.00 to 01.00
 - Sundays from 09.00 to 22.30
- Provision of plays, live music, recorded music, performance of dance as follows –
 - Fridays and Saturdays from 09.00 to 01.00
- Provision of late night refreshment as follows –
 - Fridays and Saturdays from 23.00 to 01.00
- The premises to be open to the public for the following hours-
 - Mondays to Thursdays from 08.00 to 23.00
 - Fridays and Saturdays from 08.00 to 01.00
 - Sundays from 08.00 to 22.30

Subject to the additional conditions agreed with Environmental Protection –

- No outside activity is permitted after 21.00.

- All internal amplified sound will be restricted by the installation and use of a noise limiting device.
- All doors allowing access and egress to the premises will be self-closing and will be maintained as such, and kept free from obstruction, at all times thereafter. All doors and windows to be kept closed after 21:00.
- A sheltered gated garden to the rear of the premises, between the Waiting Room and Firstsite, will be used as a smoking area after 21.00.

Reasons for the determination

In arriving at the decision the Sub-Committee considered each point very carefully. It noted the representations and the evidence presented by the applicant and objector under the Licensing Act 2003 and had regard to the Section 182 Guidance and to its own licensing policy. It noted that the application had been reduced considerably following the representation from a local resident and that as a result of the changes Environmental Protection had withdrawn its representation to the application.

The Sub-Committee also had regard to the fact that the premises had been operating for over two years and that the most recent noise complaint made to the Council was in the summer of 2014. The Sub-Committee noted the concerns of the objector but was satisfied with the measures proposed by the applicant to deal with these concerns and control the noise nuisance from the premises. It noted that there was an operating history which indicated that the premises was run without undermining the licensing objectives and it considered that in granting the licence the licensing objectives would not be undermined.

The Sub-Committee was mindful that its decision must be based on evidence and must be an appropriate and proportionate response aimed at the promotion of the licensing objectives. The Sub-Committee therefore determined that it was appropriate to grant the application subject to the addition of the conditions previously agreed with Environmental Protection.